Remarks:

Reconsideration of the application is requested.

Claims 1, 3-9, and 11-12 remain in the application. Claims 1, 3, 5, 9, and 11-12 have been amended. Claims 2 and 10 have been cancelled.

In item 2 on page 2 of the above-identified Office action, claim 9 is objected to because "interior" in claim 9, line 1, lacks antecedent basis. Appropriate correction has been made.

In item 3 on page 2 of the above-identified Office action, claim 11 is objected to because "start" in claim 11, line 2, lacks antecedent basis. Appropriate correction has been made.

In item 4 on page 2 of the above-identified Office action, claims 5-8 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner has stated that in claim 5 all references to "a control device" are redundant and/or unclear because this element was inclusively established with the recitation "a device ... according to claim 1" in lines 5-6. Appropriate correction has been made.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic and/or clarificatory reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claims for any reason related to the statutory requirements for a patent.

In item 5 on pages 2-3 of the above-mentioned Office action, claims 1-8 have been rejected as being unpatentable over Darby et al. (US Pat. No. 5,835,873) in view of Byon (US Pat. No. 5,847,472) under 35 U.S.C. § 102(b). In item 6 on pages 3-4 of the above-mentioned Office action, claims 9-12 have been rejected as being unpatentable over Byon under 35 U.S.C. § 103(a).

The rejections have been noted and claims 1, 5, and 9 have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found in original claims 2 and 10.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 5 call for, inter alia:

> a control unit connected to said memory for storing sensor data or data derived therefrom in said memory upon receiving a corresponding control command from said control device, said control unit causing an impact code transmitted via an interface to be stored in said memory.

Claim 9 calls for, inter alia:

> storing the sensor data or data derived therefrom in a device containing the sensor when there is a corresponding control command supplied to the device, wherein the sensor data or data derived therefrom is stored if the vehicle occupant protection means is to be triggered or is triggered.

Darby et al. disclose a vehicle safety system 100 with an electronic control unit (ECU) 300 (compare to the control device 3 of the invention of the instant application) which includes a communication interface 320, an external data interface 330 (compare to the interfaces 33, 34 as shown in Fig. 2 of the instant application), a diagnostic port interface 350, an acceleration sensor 340 (compare to the acceleration sensor 31 as show in Fig. 2 of the instant application), a memory 360, and a control circuit 310 (compare to the control unit 32 as show in Fig. 2 of the instant application).

In the system 100 according to Darby et al. the ECU memory 360 is connected to the ECU control circuit 310 for control and data interchange. The ECU memory 360 has means for storing vehicle crash parameters, passenger configuration parameters,

data from the ECU acceleration sensor 340, system integrity data and fault warning messages from the ECU 300 and the safety device controllers 200, vehicle crash algorithms, and safety device activation logic. See column 11, lines 27-35 of Darby et al. What a person skilled in the art learned from Darby et al. was how to build a vehicle safety system that provides a high degree of reliability (see column 2, lines 63-64), but not how to store an impact code and sensor data or data derived therefrom in a memory during an accident.

According to the invention of the instant application, a decision to trigger or not to trigger vehicle occupant protection means can be checked retroactively in the event of an impact. For this purpose, all the data which influences the decision is available in a stored form for the reconstruction of the decision to trigger. The storage of sensor data of the sensor for sensing an object or a person and the additional storage of sensor data of the impact sensing device (= impact code) permit complete checking of the decision to trigger (see page 10, lines 6-16 of the specification of the instant application).

Further, in the invention of the instant application, the sensor data relating to persons and objects is not stored in a memory (such as the memory 360 of Darby et al.) of the vehicle occupant control device (such as the electronic control unit

300 of Darby et al. and the control device (3) of the invention of the instant application), but rather in a memory (12) which is assigned to the device (1) for sensing an object or a person (see page 11, lines 4-7 of the specification of the instant application). As a result of the storage of the sensor data directly in the object sensing device as independent electrical equipment with the sensor (11), and its own control unit (13 ≠ 310), the memory (12 ≠ 360), a power supply and an interface (14), which is then necessary for documenting the decision to trigger, the expenditure in the form of memory space and computing power which is to be made available in the central control device (3) can be reduced or kept low. The data transmission rate between the object sensing device and the control device is also reduced because sensor data transmission which may possibly be necessary only for the purpose of storing data in the central control device is avoided on the part of the object sensing device. See page 11, line 25 to page 12, line 10 of the specification of the instant application.

The other cited references do not make up the differences between the invention of the instant application and Darby et al.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either

show or suggest the features of claims 1, 5, and 9. Claims 1, 5, and 9 are, therefore, believed to be patentable over the art and since claims 3-4, 6-8, and 11-12 are dependent on claims 1, 5, or 9, respectively, they are believed to be patentable as well. Claims 2 and 10 have been cancelled.

In addition, a European patent has already been issued on the invention of the instant application with very similar claims. A copy of the European patent is enclosed herewith for the Examiner's convenience.

In view of the foregoing, reconsideration and allowance of claims 1, 3-9, and 11-12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the

Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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